

Permitting and Assistance Branch Staff Report

New Minor Waste Tire Facility Permit for Advanced Transportation Company, Inc.

TPID No. 1565456

July 19, 2011

Background Information, Analysis, and Findings:

This report was developed in response to a Minor Waste Tire Facility Permit (WTFP) application received from the operator of Advanced Transportation Company, Inc. located at 45304-45318 Trevor Avenue, in the City of Lancaster. Advanced Transportation Company, Inc., also doing business as Precision Truck Parts, Inc., has been operating as a tire and truck parts retail, maintenance, repair, and fabrication business since 2002. The property site is 4.0 acres with approximately 6,000 square feet of existing structures, within a Heavy Industrial (LRHI) zone.

The operator will be storing up to 4,999 waste whole truck and passenger tires inside truck containers and/or trailers, which vary in length and height. Approximately 450-550 waste and used tires can be stored within each container/trailer. Containers/trailers can only be stored within the local fire authority approved tire storage area (approximately 118 feet by 251 feet) bounded by perimeter fencing, which is located to the northeast of the site away from existing building structures. On average, the full containers/trailers will be stored on-site for up to five days prior to transportation to Mitsubishi Cement Corporation, a cement manufacturing facility, for use as a supplementary fuel to provide heat in their cement kiln.

An application for a Minor WTFP was received by Permitting and Assistance Branch staff on March 21, 2011, which was accepted as complete and correct on April 11, 2011. Pursuant to Title 14, California Code of Regulations (CCR), Section 18425, CalRecycle has 180 calendar days from the date the application is accepted as complete and correct to either issue or deny the issuance of a minor WTFP. CalRecycle is required to act by October 8, 2011.

Findings

Staff recommends approval of the issuance of the proposed permit. All of the required submittals and findings required by 14 CCR Section 18431 have been met to support concurrence. The findings that are required to be made by CalRecycle when reaching a determination are summarized in the table below. The documents on which staff's findings are based are permanently maintained by the Permitting and Assistance Branch.

The following table summarizes the staff's findings relative to the permit application:

| | Findings | |
|---|---|---|
| California Environmental Quality Act (CEQA) | Staff of the Permitting and Assistance Branch found that the issuance of the Minor Waste Tire Storage Facility Permit is categorically exempt from the requirements of CEQA. See additional CEQA information below. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |

| | | |
|--|--|---|
| Compliance with Tire Storage Standards, 14 CCR, Sections 17350-17356 | Staff of the Waste Evaluation and Enforcement Branch (WEEB) conducted an inspection of the facility on April 7, 2011. A follow-up inspection was conducted by the local tire grantee on May 20, 2011. See additional compliance information below. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| Application Forms (500-504) - 14 CCR, Sections 18431(a) (b) (c) (d) | All application forms were accepted by Permitting and Assistance Branch staff as complete and correct on April 11, 2011. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| Local Requirements 14 CCR, Section 18431(h) | <i>Local Vector Control:</i> The Antelope Valley Mosquito and Vector Control District's acceptance of vector control practices was signed by Mr. Cei D. Kratz, District Manager, on February 11, 2011. <i>Local Fire Authority:</i> On October 17, 2010, the County of Los Angeles Fire Department issued a fire permit for outdoor tire storage. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| Reviewed by: CalRecycle Legal Office | Approved on August 2, 2011 | |
| Waste Evaluation and Enforcement Branch | Approved on April 7, 2011 | |

Compliance History:

A pre-permit inspection was conducted on April 7, 2011 with WEEB staff and Los Angeles County local tire enforcement grantee staff. Upon inspection, the facility was found to be in violation of Public Resources Code, Section 42834, for storage of more than 1,500 waste tires (approximately 2,700 waste tires were found on-site) without a Minor WTFP. As a tire dealer, the facility is allowed to store not more than 1,500 waste tires on-site, as long as they are stored for no less than 90 days on-site pursuant to 14 CCR Section 18420. A follow-up inspection was performed by Los Angeles County local tire enforcement grantee staff on May 20, 2011, and found the violation to be corrected as the facility had reduced the number of waste tires on-site to below 1,500, and was in compliance with applicable State Minimum Standards.

Environmental Analysis:

Under CEQA, CalRecycle must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Minor WTFP before CalRecycle issues that permit. In this case, CalRecycle is a lead agency under CEQA and must make a determination as to whether this proposed permit is categorically or statutorily exempt or additional CEQA analysis is necessary in the form of a Negative Declaration or Environmental Impact Report.

Advanced Transportation Company, Inc., has operated as a tire and retail truck parts, maintenance, repair, and fabrication business, in the City of Lancaster, since 2002. The facility

operates within a LRHI zone, and is consistent with the City of Lancaster's zoning ordinance and 2030 General Plan.

The proposed WTFP is considered to be a project under CEQA (CEQA Guidelines 15378(a)(3)) and the facility is required to obtain a permit pursuant to 14 CCR Section 18420 for the outdoor storage of up to 4,999 waste tires.

The City of Lancaster's 2030 General Plan Environmental Impact Report and Master Environmental Assessment, State Clearinghouse No. 2007111003, was certified by the City of Lancaster Planning Commission on May 11, 2009.

On March 10, 2011, the City of Lancaster, Planning Commission, made a determination that the proposed project site was consistent with the City of Lancaster's zoning designation, and that the continued storage of waste tires on-site in trailers, is not a change from what had been previously allowed by the City.

Staff prepared a Preliminary Review to determine whether a Categorical Exemption is adequate for CalRecycle's approval of this Minor WTFP. The Preliminary Review indicates that the proposed project:

- Involves the continued operation of an existing facility within the permitted land use;
- Involves no expansion of use beyond that existing;
- Does not allow relaxation of standards leading to environmental degradation;
- Would have no significant environmental impacts; and
- There are no additional cumulative environmental impacts.

CalRecycle staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 - Existing Facilities is appropriate for CalRecycle's issuance of this proposed Minor WTFP.

Staff recommends that CalRecycle, acting as a lead agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after CalRecycle's issuance of the Minor WTFP, in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations from what currently exist. Further, there are no grounds under CEQA for CalRecycle to prepare any additional environmental documents.

Staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within CalRecycle's expertise and authority, or which are required to be carried out or approved by CalRecycle.

The administrative record for the decision to be made by CalRecycle includes the proposed Minor WTFP and all of its components and supporting documentation, this staff report, the Categorical Exemption and other documents and material utilized by CalRecycle in reaching its decision on issuing this permit. The custodian of CalRecycle's administrative record is Dona

Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Local Issues

Staff has not identified any local issues related to this item. No environmental justice issues were identified by the surrounding community. According to the year 2010 Census data, tract 9006.02 has a total population of 5,214 people. 45.9% of the people are white, 16.4% are African American, 1.0% are American Indian and Alaska Native, 1.4% are Asian, 0.3% are Native Hawaiian and other Pacific Islander, 29.2% some other race, and 5.8% are two or more races. 57.3% of the population is identified as Hispanic or Latino. The Census tract data indicates the median household income of the area is \$22,692 and 31.8% live below the poverty level. Therefore staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended in this item.

Public Comment

Permitting and Assistance Branch staff discussed this proposed Minor WTFP at CalRecycle's monthly public meeting conducted on July 19, 2011. No public comments were received on this project during this meeting and no other public comment has been received by CalRecycle staff.

Attachment: Minor WTFP